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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
PAUL MICHAEL MARCINIAK,  
  
Defendant.

CASE NO.: 2:17-cr-00014-JAD-PAL  
  
**STIPULATION TO CONTINUE  
INITIAL PLEA HEARING**  
  
**(FIRST REQUEST)**

IT IS HEREBY STIPULATED AND AGREED, by Defendant Paul Michael Marciniak, by and through his attorney, Thomas A. Ericsson, Esq., and the United States of America, by and through Daniel G. Bogden, United States Attorney, and Daniel J. Cowhig and Kilby C. Macfadden, Assistant United States Attorneys, that the initial plea hearing currently scheduled for February 13, 2017, at the hour of 11:00 a.m., be vacated and continued for approximately thirty days, to a date and time that is convenient to this Honorable Court. The request for a continuance is based upon the following:

1. The additional time requested by this Stipulation to Continue Initial Plea Hearing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed in this rule.”
2. Defendant Paul Marciniak currently resides in the State of Maine and is working to obtain the funds needed to be able to travel to Las Vegas, Nevada, for the plea hearing. Defense counsel has good contact with Defendant and Defendant requests the requested continuance.

3. Defense counsel has looked into alternative sources of funding for Defendant's travel expenses, but has not found any that are available until after a defendant makes an appearance in a federal court case.
4. Defense counsel has spoken to Assistant United States Attorney Daniel J. Cowhig and the Government has no objection to a continuance of approximately 30 days. Defendant Paul Marciniak has executed a tolling agreement with the United States Attorney's Office that would exclude the period of this rescheduling from the running of the Statute of Limitations.
5. The additional time requested herein is not sought for the purposes of undue delay.
6. This is the first stipulation to continue initial plea hearing filed herein.
7. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

DATED: February 9, 2017.

Respectfully submitted,

/s/ Thomas A. Ericsson

Thomas A. Ericsson, Esq.  
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Attorney for Defendant

/s/ Daniel J. Cowhig

Daniel J. Cowhig  
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**UNITED STATES DISTRICT COURT  
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**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. The additional time requested by this Stipulation to Continue Initial Plea Hearing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed in this rule.”
2. Defendant Paul Marciniak currently resides in the State of Maine and is working to obtain the funds needed to be able to travel to Las Vegas, Nevada, for the plea hearing. Defense counsel has good contact with Defendant and Defendant requests the requested continuance.
3. Defense counsel has looked into alternative sources of funding for Defendant’s travel expenses, but has not found any that are available until after a defendant makes an appearance in a federal court case.
4. Defense counsel has spoken to Assistant United States Attorney Daniel J. Cowhig and the Government has no objection to a continuance of approximately 30 days. Defendant Paul Marciniak has executed a tolling agreement with the United States Attorney’s Office that would exclude the period of this rescheduling from the running of the Statute of Limitations.
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## ORDER

DATED this 10th day of February, 2017.

UNITED STATES DISTRICT JUDGE